

08-31-01

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**TRANSMITTAL LETTER
(General - Patent Pending)****RECEIVED**Docket No.
1997-023-04US (PTQ-0028)

SEP 05 2001

In Patent Application Of: Van Eyk et al.

TECH CENTER 1600/2900

Serial No.

09/419,901

Filing Date

October 18, 1999

Examiner

Lisa V. Cook

Group Art Unit

1641

Title: **METHODS OF DIAGNOSING MUSCLE DAMAGE**TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure, Amendment under 1.825, Statement to Support Filing and Submission in Accordance with 37 CFR 1.821 through 1.825, Paper copy of the Sequence Listing, Computer readable form of Sequence Listing and copy of Notice to Comply.

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

Signature

Dated: **August 30, 2001**

Jane Massey Licata
Reg. No. 32,257
Licata & Tyrrell P.C.
66 E. Main Street
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Fax: 856-810-1454

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

PTQ-0028



CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No. EL722985592US

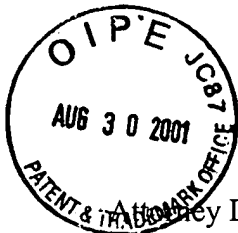
Date of Deposit: August 30, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R 1.10 on the date indicated above and is addressed to the "BOX SEQUENCE", Assistant Commissioner for Patents, Washington, D.C. 20231.

- 1) General Transmittal Letter (2 copies);
- 2) Amendment under \$1.825;
- 3) Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
- 4) Paper copy of the Sequence Listing;
- 5) Diskette containing computer readable copy of Sequence Listing
- 6) Copy of Notice to Comply; and
- 7) Return Postcard.

Jane Massey Licata

JANE MASSEY LICATA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.:

1997-023-04U (PTQ-0028)

Inventors:

Van Eyk et al.

Serial No.:

09/419,901

Filing Date:

October 18, 1999

Examiner:

L. Cook

Group Art Unit:

1641

Title:

Methods of Diagnosing Muscle Damage

"Express Mail" Label No. **EL722985592US**

Date of Deposit **August 30, 2001**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By Jane Massey Licata

Typed Name: Jane Massey Licata, Reg. No. 32,257

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" which was included in the Notice of Missing Parts dated **July 31, 2001**, a response to which is due **August 31, 2001**, enclosed herewith is:

RECEIVED

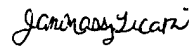
SEP 05 2001

TECH CENTER 1600/2900

- (XX) Amendment under 1.825;
- (XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- (XX) Paper copy of the Sequence Listing;
- (XX) Computer readable form of amended Sequence Listing;
- (XX) Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- () Petition for Three (3) Month Extension of Time;
- () Other: ____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 50-1619. This sheet is attached in duplicate.

Respectfully submitted,



Jane Massey Licata
Registration No. 38,350

Date: August 30, 2001

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



Notice to Comply

Application No.	Applicant(s)
09/419,901	Van Eyk et al.
Examiner	Art Unit
Lisa V. Cook	1641

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SEP 05 2001
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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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